Reg. No. B.G. 208.

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-A

BANGALORE, MONDAY, OCTOBER 11, 1965 (ASVIJA 19, SAKA ERA 1887). No. 190

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION.

No. 10126/L.A., dated Bangalore-1, 11th October 1965.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the Mysore Local Authorities (Postponement of Elections and Continuance of Administrators) Bill, 1965, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE LOCAL AUTHORITIES (POSTPONEMENT OF ELECTIONS AND CONTINUANCE OF ADMINISTRATORS) BILL, 1965.

A Bill to provide for the postponement of elections to certain local authorities and the continuance of Administrators of local authorities.

WHEREAS the President of India has issued a Proclamation of Emergency under clause (1) of Article 352 of the Constitution of India;

AND WHEREAS during the present period of continuance of the Emergency it is necessary to postpone the elections to certain local authorities and to continue administrators in respect of certain other local authorities;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title and commencement :—(1) This Act may be called the Mysore Local Authorities (Postponement of Elections and Continuance of Administrators) Act, 1965.

(2) It shall come into force at once.

2. Definitions :—In this Act, unless the context otherwise requires,—

(*a*) "local authority" means a local authority constituted or established under any of the Acts specified in the Schedule to this Act and includes any body functioning under such Act as is specified in column (1) thereof;

Explanation:—For the purposes of this clause 'any body functioning under such Act' shall include any body functioning under section 381 of the Mysore Municipalities Act, 1964;

(*b*) "Proclamation of Emergency" means the Proclamation issued by the President of India on the 26th October 1962, under clause (1) of Article 352 of the Constitution of India;

(*c*) "relevant Act" in respect of any local authority specified in column (1) of the Schedule to this Act means the Act specified in the corresponding entry in column (2) of the said Schedule, under which it is constituted or established, or continued to exercise the powers and perform the functions of any such authority.

3. Postponement of elections:—(1) On the commencement of this Act and during the continuance of the operation of the Proclamation of Emergency, notwithstanding any judgment, decree or order of any court or other authority or anything contained in any enactment by or under which any local authority is constituted or established, or continued,—

(*a*) no general election to, or election to fill any casual vacancy in, any local authority shall be held, or if any such election has commenced, but the poll has not taken place, the election shall not be completed;

(*b*) the term or extended term of office of the councillors or members of the local authorities, who are in office on the date of commencement of this Act. (and whose term or extended term will expire during the period of operation of the Proclamation of Emergency), shall be deemed to be extended up to and inclusive of the last day on which the Proclamation of Emergency remains in operation:

Provided that after the expiry of the term of the said councillors or members of the local authorities as so extended by this section they shall continue in office until the first meeting of the reconstituted local authority at which a quorum is present.

(2) Nothing in sub-section (1) shall be deemed to preclude the supersession of any local authority in accordance with the provisions of the relevant Act.

4. Power to appoint Administrator:—Notwithstanding anything contained in Section 3, if at any time it appears

to the State Government that any local authority is, by reason of the absence of a quorum or for any other reason, unable to exercise the powers and perform or discharge the duties and functions conferred or imposed on it by or under the relevant Act or any other law for the time being in force, the State Government may by notification in the official Gazette, appoint an administrator who shall exercise all the powers and perform and discharge the duties and functions of such local authority for such period or periods not exceeding the periods mentioned in clause (*b*) of sub-section (1) of Section 3, and until the first general meeting of the reconstituted local authority, at which a quorum is present.

5. Continuance of Administrators :—Notwithstanding anything contained in any enactment, where in respect of any local authority an Administrator has been appointed before the commencement of this Act, the State Government may by order, from time to time, continue the period of such appointment during the period of operation of the Proclamation of Emergency.

6. Advisory Council:—The State Government may, if it thinks fit, appoint an Advisory Council to advise and assist the Administrator appointed under Section 4 or continued under Section 5 in the exercise of his powers and the performance and discharge of his duties and functions. The members of the Advisory Council shall hold office during the pleasure of the State Government.

7. Application of relevant Act :—Except as otherwise provided by this Act, the relevant Act shall in all other respects apply to the local authority concerned.

8. Certain acts not to have any effect :— Notwithstanding any judgment, decree or order of any court or anything contained in any enactment or law, anything done or any action taken (including notifications, notices, or orders issued or poll taken) in respect of any general election to, or election to fill any casual vacancy in any local authority, where such general election or election to

fill the casual vacancy has not been wholly completed, shall not have any effect whatsoever and the provisions of sections 3 and 4 shall have effect as if no such thing was done or action was taken.

9. Removal of difficulties.—If any difficulty arises in giving effect to the provisions of this Act or in giving effect to the provisions of any relevant Act or any other law for the time being in force relating to any local authority, in respect of which an order has been made under section 4 or 5, the State Government may, as occasion requires, by notification in the official Gazette, do anything which appears to it to be necessary for the purpose of removing the difficulty.

10. Repeal :—The Mysore Local Authorities (Postponement of Elections and Continuance of Administrators) Ordinance, 1965 is hereby repealed :

Provided that any order issued, anything done or any action taken under the said Ordinance shall be deemed to have been issued, done or taken under the corresponding provision of this Act.

SCHEDULE

(*See* Section 2)

Local authorities (1)	Act (2)
The Corporation of the City of Hubli-Dharwar.	The Bombay Provincial Municipal Corporations Act, 1949 (Bombay Act 59 of 1949).
The Corporation of the City of Bangalore.	The City of Bangalore Municipal Corporation Act, 1949 (Mysore Act 69 of 1949).
Municipal Councils and other Municipal Bodies.	The Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964).
Taluk Development Boards.	The Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959).
Town Panchayats and Village Panchayats.	The Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959).

Statement of Objects and Reasons.

In view of the situation prevailing in the country consequent on the aggression by Pakistan on India, it was necessary to ensure that the wholehearted attention of the people was devoted to the task of defending the country. Therefore as it was not in public interest to have elections to local authorities which will divert the attention of the people from their primary task of defending the motherland it became necessary to postpone the holding of elections to local authorities during the period of operation of the Proclamation of Emergency. As the matter was urgent and as the Houses of Legislature were not in Session an Ordinance was promulgated by the Governor. This Bill is intended to repeal and replace the Ordinance.

R. M. PATIL

T. HANUMANTHAPPA,
Secretary.

Statement under sub-rule (1) of rule 70 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly regarding promulgation of the Mysore Local Authorities (Postponement of Elections and Continuance of administrators) Ordinance, 1965.

The aggression by Pakistan and the threat of aggression by China on India, has necessitated the taking of all possible action by the people of India to defend the freedom of the country by devoting undivided attention to this task. At present it is not in public interests to have elections to local authorities, which will divert the attention of the people from their primary duty for the Motherland. In order to enable the people to attend to this duty, it was considered necessary to postpone all elections to local authorities and continue the *status quo*. As the Houses of Legislature were not in Session, the Ordinance was promulgated to postpone the elections.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Bl'ore.